

**Notice of Allowability**

Application No.

09/742,273

Examiner

JAGDISH PATEL

Applicant(s)

KOTAS, PAUL

Art Unit

3693

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/2/07.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

1. This communication is in response to amendment filed 8/2/07.

***Response to Amendment***

2. Claims 1-8 are pending and have been allowed.

***Reasons for Allowance***

3. The following is an examiner's statement of reasons for allowance:

The claimed inventions pertain to conducting online auction for goods and services and in particular identifying users to whom to promote a selected auction.

The following prior art references have been deemed most relevant to the allowed claims 1-8:

"U. S. and U.K. Execs View the Marketing Arena" National Underwriter (Life/Health) v90n32 PP: 3, 26 Aug 9, 1986 (Marketing article)

The Marketing Article describes specific targeted marketing practices, including the following: (1) using a five-component database to "target specific households for specific product offers;" (2) including, in the five-component database, household information, customer information, account summary information, promotion information, and purchase history; (3) marketing to "current customers," "former customers," and "prospects."

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While the Marketing Article specifies that certain broadly defined groups of customers will be marketed to, other than relying on a marketing database to target users, it does not provide any description or detail about how users within such groups will be specifically identified. The allowed claims specify that the users be identified based upon their participants in other marketing events (analogous to auctions).

Orr, Alicia; 'Best ideas' for fund raising by phone, Target Marketing v21n9 PP: 48-51 Sep 1998.

Orr, without taking into account the activities of any donor other than the one to whom the current campaign is being promoted, merely describes targeting a group of "lapsed donors" who each "gave several times in the past, or on a regular basis, but have not responded to recent direct mail campaigns." (See Orr at page 2 under the heading "Reactivation by Phone.") There is no comparison between donors to determine which donor to target. Orr does not teach that individual donors to whom the current campaign is being promoted are identified based upon their participation in the past donation campaigns.

Therefore, pending claims 1-8 are allowed for patentability because the closest prior art of record as outlined above fails to teach or render obvious to one of ordinary skill in the art the method of claim 1 for identifying users to whom to promote a selected auction, which recite the following feature deemed novel in combination.

- (i) Examines a plurality of auctions other than the selected auction
- (ii) distinguishes the examined auction if the number of users that have bids in the selected auction also bid in the examined auction exceeds a minimum threshold and (iii) identifies users that bid in the distinguished auction and did not bid in the selected auction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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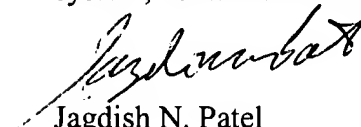
fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on **800AM-630PM Mon-Tue and Thu.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **KRAMER JAMES A** can be reached on **(571) 272-6783**. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3693)

8/23/07